

# *City of Lynchburg, Virginia*

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## *Citizen Participation Plan for the Community Development Block Grant and HOME Program*

Prepared by the  
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## **CITIZEN PARTICIPATION PLAN**

### **City of Lynchburg, Virginia**

#### **INTRODUCTION**

This Citizen Participation Plan was prepared in accordance with Section 104(a) of the Housing and Community Development Act of 1974, as amended. The 24 CFR 91.105 federal regulations outline the "citizen participation" requirements. This document has been developed in order for the City of Lynchburg, Virginia to be in compliance with the requirements of the regulations.

The Plan sets forth the City's policies and procedures by which it encourages local citizens to participate and comment on the federally funded Community Development Block Grant (CDBG) and HOME Program. The provisions concerning citizen involvement in implementing and assessing the CDBG and HOME Program apply to all activities that are ongoing, as well as to all future activities. This Plan shall remain in effect until all activities are completed, or until this Plan is superseded by a new Plan.

In accordance with the City of Lynchburg's mission of responsive, effective local government and vision principles that include engaging the community, the City will follow the Citizen Participation Plan detailed in this document. This Plan will help the City to determine and prioritize the needs of neighborhoods and communities, administer programs intended to address those needs, and involve the public in the Consolidated Plan, Annual Action Plan and Consolidated Annual Performance and Evaluation Report (CAPER) process.

#### **CERTIFICATION OF COMPLIANCE**

As a part of the City's submission of its Five-Year Consolidated Plan, and any amendments thereto, the City will submit certification to the U.S. Department of Housing and Urban Development (HUD) that the City is following an approved Citizen Participation Plan, which:

1. Provides for and encourages citizen participation with particular emphasis on participation by persons of low and moderate income who are residents of slum and blighted areas and of areas in which funds are proposed to be used;
2. Provides for participation by residents in low and moderate income neighborhoods or targeted revitalization areas as defined by the City;
3. Provides for and encourages citizen participation of residents of public and assisted housing developments, as well as providing information to the housing agency about Consolidated Plan activities related to its development;
4. Provides for and encourages citizen participation of persons with disabilities as well as provides a copy of the Citizen Participation Plan in a format accessible to persons with disabilities, upon request;
5. Provides for and encourages citizen participation of all of the City of Lynchburg citizens, including minorities and non-English speaking persons, and identifies how the needs of non-English speaking residents will be met in the case of public hearings where a

significant number of non-English speaking residents can be reasonably expected to participate;

6. Provides citizens with reasonable and timely notification and access to local meetings, information, and records relating to the City's proposed and actual use of federal CDBG and HOME funds;
7. Provides for technical assistance to groups/organizations representative of persons of low and moderate income that request such assistance in developing proposals, with the level and type of assistance to be determined by the City;
8. Provides for public hearings to obtain citizen views, and to respond to proposals and questions at all stages of the community development program process, including at least the development of needs, the review of proposed activities, and the review of the programs annual performance. The hearings shall be held after adequate notice, at times and locations convenient to potential or actual beneficiaries, and with accommodations for the disabled; and
9. Provides for timely written response to written complaints and grievances where applicable.

## **CITIZEN PARTICIPATION PLAN**

The U.S. Department of Housing and Urban Development requires the City of Lynchburg to have and follow a Citizen Participation Plan as a condition of receiving federal funds. This Plan contains the City's policies and procedures for involving the community in:

- the development of the Annual Action Plan and the Five-Year Consolidated Plan;
- the review of the Consolidated Annual Performance and Evaluation Report; and
- the use of Community Development Block Grant (CDBG) and HOME program funds.

Included in this Citizen Participation Plan are policies and procedures for amending these documents and local programs. The Citizen Participation Plan will apply to the Section 108 loan program and other HUD programs that would require citizen participation. (See Appendix A for a definition of the Annual Action Plan, Consolidated Plan and CAPER and Appendix B for a description of the CDBG and HOME Program).

This Plan was prepared by the Grants Administration Office, which is the lead entity for the administration of the CDBG and HOME Program for the City of Lynchburg.

## **Encouragement and Methods of Citizen Participation**

Participation by residents in low and moderate income neighborhoods, as well as minorities, non-English speaking persons, and persons with mobile, visual and hearing disabilities is encouraged throughout the development of the Consolidated Plan, Annual Action Plan, the CAPER, and any amendments to these Plans. Residents of public and housing developments are also encouraged to participate.



Citizens are encouraged to participate in the process via public input through the Community Development Advisory Committee (CDAC), and City Council. The City and HUD recognize community input as an important component in identifying high priority needs in the community and ensuring that CDBG and HOME funds are used for activities that address those issues and concerns. These groups include public and private entities, both non-profit and for-profit, particularly those whose purpose relates to housing, homelessness, neighborhoods, community development and economic development;

Prior to the annual review of the Five Year Consolidated Plan Goals, City staff will conduct an informal conversation with citizens to hear comments and determine if the Goals continue to be meaningful and effective.

In addition, to expand and broaden citizen participation, the City will also post public notices on the City's web site ([www.lynchburgva.gov/grants](http://www.lynchburgva.gov/grants)), at community centers and other neighborhood anchors (i.e. schools, neighborhood health centers, and public housing agencies/complexes).

City staff will coordinate these efforts through the City's Communications and Marketing Department.

## **RESPONSIBILITIES AND OBLIGATIONS**

This section of the Citizen Participation Plan provides guidance to the various stakeholders in the activities required to develop and implement the Consolidated Plan, Annual Action Plan and the CAPER. These guidelines are provided to be inclusive and protect the fairness and integrity of the Community Development Block Grant and HOME Programs. They are not intended, in any way, to exclude or limit access to the process.

### **Assignments**

The City of Lynchburg Citizen Participation Plan describes the roles of the City Council, Community Development Advisory Committee, City staff and others involved in developing and evaluating progress toward implementation of the Consolidated Plan and Annual Action Plan.

The ***Lynchburg City Council*** serves as the body of elected community-wide representatives responsible for addressing policy issues related to the Consolidated Plan and Annual Action Plan. The City Council gives direction to City staff as to how to proceed in assessing Lynchburg's housing and community development needs and a strategy to address the needs identified. It must approve the Consolidated Plan and the Annual Action Plan prior to submission to HUD. The City Council must also comment and approve revisions to the Citizen Participation Plan and amendments to the Consolidated Plan.

City Council will appoint a ***Community Development Advisory Committee (CDAC)***. The CDAC will make recommendations to City Council for funding activities and programs in the Annual Action Plan for the CDBG and HOME Program and generally to act in an advisory capacity to City Council with reference to the programs and related project activities. (A detailed description of the CDAC is provided on Page 6 of this document).

***City staff*** will facilitate the process by assisting City Council and the CDAC in meeting the City's obligations and responsibilities as an entitlement City for the CDBG and HOME Program. This

will include preparing and submitting the required reports and documents to HUD and providing other support as required.

### *Notification Process*

It is the policy of the City of Lynchburg to give citizens timely notice of local meetings and reasonable and timely access to local meetings, information, performance reports, and records relating to the City's proposed and actual use of CDBG and HOME Program funds.

All meetings will be published as a legal advertisement in the local paper at least 15 days in advance of the public hearing date. Those meetings requiring more than 15 days notice in advance, will meet the required advance notice timeline. The published information will include:

- Description of the activity;
- What entity is conducting the meeting;
- Amount of source of funds;
- Where and how information may be obtained;
- The date, time and location of the public meetings(s);
- Timeframe for the public to submit public comments;
- How and in what format comments will be accepted; and
- Contact person for additional information.

Public notices related to proposed funding allocations for the Annual Action Plan will include: a statement of program objectives; amount of grant funds and program income anticipated; range of activities that may be undertaken; estimated amount of grant funds and program income proposed to be used for activities that will benefit low and moderate income persons; any proposed activities likely to result in displacement; and the City's plan for minimizing displacement.

Documents that require a Public Comment period will be available for review at the following locations:

- Grants Administration Division, Second Floor, City Hall, 900 Church Street, Lynchburg, Virginia 24504;
- Lynchburg Public Library, 2311 Memorial Avenue, Lynchburg, Virginia and other branches of the Library that may be in operation; and
- Grants Administration website at [www.lynchburgva.gov/grants](http://www.lynchburgva.gov/grants).

The City wants to ensure that all people are able to participate in public meetings. Therefore, the City will make reasonable efforts to provide translators, upon request, to help non-English speaking persons at public hearings, working sessions and public meetings. Likewise, the City will make reasonable efforts to provide special accommodations for persons with disabilities so they can participate. The City will schedule meetings in locations that are accessible and at times that are convenient for the community. Persons needing special accommodations or translators should make their requests **one week** before the meeting so that the City can assure that the special needs are met. These requests should be made to the Grants Administration Office at (434) 455-3916.

## COMMUNITY DEVELOPMENT ADVISORY COMMITTEE (CDAC)

**Membership and Composition:** The CDAC shall consist of seven (7) members. The composition of the Committee shall be as follows:

1. a. **Members:** Five (5) members shall be residents of predominately low and moderate income neighborhoods, and/or other slum and blighted areas of the City. No more than one representative from a single neighborhood shall be allowed to serve at a time. These persons may or may not be current members of neighborhood organizations.

Two (2) members shall be current members of the Lynchburg City Council.

b. **Terms:** All members will be appointed annually by City Council for a period of one year. No person may serve for more than four consecutive years.

2. **Objectives:** CDAC will review CDBG and HOME Program applications and will make recommendations to City Council regarding proposed Annual Action Plan projects.

3. **Officers:** The officers of the CDAC shall consist of a Chair and Vice-Chair. The Chair and Vice-Chair shall be members of City Council and selected annually by City Council.

**Chair:** The Chair shall preside at all meetings of the Committee. Except as otherwise authorized by resolution of the Committee, the Chair shall sign all official documents and other instruments to be executed by the Committee.

**Vice-Chair:** In the absence or incapacity of the Chair, the Vice-Chair shall preside at all meetings of the Committee, and may perform such other duties as may be required by the Chair.

**Recording Secretary:** The Recording Secretary shall keep the records of the Committee, act as Secretary to all meetings of the Committee, record all votes and shall keep a record of the proceedings of the Committee. The Grants Manager, or his/her designee, shall act as Recording Secretary. The Recording Secretary shall not be a member, and will have no voting power; however, he or she may participate in discussions, and provide such information as requested by the Committee.

### 4. **Meetings:**

a. **Regular Meetings.** The regular meetings of the Committee will be to review the CDBG and HOME Program applications and to make funding recommendations to City Council. These meetings will be open to the public. The agenda for any regular or other public Advisory Committee meeting will be provided to all Committee members in writing five (5) days before the meeting. Meeting dates and times shall be determined by consent of Committee members.

b. **Special Meetings.** The Chairman may, when it is deemed necessary and expedient, and shall, by written request to the members of the Committee, call a special meeting of the Committee for the purpose of transacting any business designated in the call. No business shall be considered other than as designated in the call.



**5. Quorum:** At all meetings of the Committee, a majority of the total membership shall constitute a quorum for the purpose of transacting business.

**6. Rules of Procedure:** The Committee will operate under "Roberts Rules of Order", as revised. The Community Development Director and Grants Administration staff will provide technical assistance and support to the CDAC. This support includes notice of meetings, provision of meeting space, minutes, interpretation of HUD policies and requirements, and program status reports. Community Development staff may also prepare letters, reports, responses and other documents for the Committee, as requested, and shall attend all CDAC meetings and hearings.

**7. Citywide Citizen Participation Program:** A Citywide Citizen Participation Program, designed to encourage a broader range of membership on the City's boards and commissions, was initially approved by City Council in July, 1978. Persons' names received through the Citywide Citizen Participation Program who are interested in serving on the Community Development Advisory Committee will be submitted to City Council for consideration for annual appointments and as vacancies occur.

## **REQUIRED SUBMISSIONS**

Although both the Five-Year Consolidated Plan and the Annual Action Plan seek community involvement on many levels, the involvement levels differ for the two plans. Efforts to involve local citizens, non-profit entities and other interested stakeholders, is more intensive during the Five-Year Consolidated Plan preparation process, than in the Annual Action Plan process. The purpose of the Five-Year Plan is to identify needs and develop a multi-year strategy to address those needs. The primary purpose of the Annual Action Plan is to identify specific activities to be funded or actions to be taken during a particular fiscal year to address needs that were identified in the Five-Year Consolidated Plan. Therefore, the citizen involvement process for each plan is described separately below.

### **Annual Action Plan**

At the beginning of the Annual Action Plan process City Council will conduct a public hearing to receive citizen input regarding the Citywide community development and housing needs and the review of the approved Consolidated Plan goals. A notice of this meeting will be published in the local newspaper at least 15 days prior to the meeting.

In addition, at the beginning of the Annual Action Plan process, City staff will prepare an Application for Funding that describes the City's funding application processes. The Application for Funding will include the objectives and eligible uses of the CDBG and HOME Program funds and the amount of funds expected to be received by the City, including program income. This document will also provide a tentative time schedule that the City is expected to follow in the preparation of the Plan.

**Local Community Involvement:** The City will make every effort to involve the community, especially low and moderate income persons and those who live in areas eligible for CDBG and/or HOME Program funds, in the annual planning and funding process. (See Appendix C for a map of eligible areas).

For the community as a whole, the City will publish a public notice in the local newspaper that the City is starting the Annual Action Plan process and the acceptance of funding application requests. This notice will include information regarding the application process. The City's



Grants Administration Office website ([www.lynchburgva.gov/grants](http://www.lynchburgva.gov/grants)) will also contain information about the City's application process, application, and the time schedule.

***Community Development Advisory Committee (CDAC) meeting:*** The CDAC will be responsible for reviewing and making recommendations on the funding applications described in the Annual Action Plan. The CDAC will conduct at least one meeting at the onset of the planning process for the Annual Action Plan. The CDAC will conduct a meeting to review Annual Action Plan funding requests for the CDBG and HOME Program. A notice of this meeting will be published in the local newspaper-at least 15 days prior to the meeting. If needed, the CDAC will conduct a second meeting to review applications, prior to making recommendations to the City Council. At the discretion of the CDAC, entities with eligible applications, including the City, may be invited to present their projects at the CDAC meeting and to answer questions. The CDAC may also at its discretion, seek information and clarity from City staff. At the conclusion of the CDAC process, City staff will prepare a Council report with CDAC's funding recommendations for City Council consideration and adoption. The CDAC recommendations will be included in the final adopted Annual Action Plan for information.

***City Council Public Hearings:*** The CDAC funding recommendations for the CDBG and HOME Program activities for the Annual Action Plan will be submitted to City Council. City Council will hold at least one public hearing on the Annual Action Plan to obtain citizen input on housing and community development needs and proposed Annual Action Plan activities; and allow CDBG and HOME Program applicants to present their funding requests. This public hearing will be advertised in the local newspaper at least 15 days prior to the hearing.

***Thirty-Day (30-day) Public Review Period:*** City staff will prepare a draft Annual Action Plan which will include the projects and programs recommended for funding with CDBG and HOME funds. City staff will then publish a 30-day legal notice in the local newspaper that the draft Annual Action Plan is available for public review and written comment. Any written comments must be submitted to the Grants Administration Office prior to the end of the 30-day review period. During the review period, the draft Annual Action Plan will be available for review at the Grants Administration Office, the Lynchburg Public Library, and the City of Lynchburg website ([www.lynchburgva.gov/grants](http://www.lynchburgva.gov/grants)).

***City Council Adoption:*** At the conclusion of the 30-day public review period, City Council will conduct a public hearing for the adoption of the Annual Action Plan. This public hearing will be advertised in the local newspaper at least 15 days prior to the hearing.

After adoption, the City will attach to the Annual Action Plan, a summary of any written or oral comments received during the public review period and the public hearings. If the City does not incorporate a recommendation received from the public, the City will attach the reasons why that recommendation was not included when the Annual Action Plan is sent to HUD. City staff will send the Annual Action Plan to HUD for review and approval.

***HUD Review Period:*** The HUD approval process takes 45 calendar days. If the Plan has included all of the required sections and has gone through the required public comment and review, HUD approval is considered routine. The City may incur costs at the beginning of the program year which starts on July 1<sup>st</sup>, but may not draw down any funds until HUD has completed its 45 day review period and a grant agreement has been fully executed with HUD.

## **Consolidated Plan**

As stated earlier, the City is required to prepare a multi-year Consolidated Plan. Consolidated Plans are usually prepared for a three to five year period. The City of Lynchburg has traditionally prepared a Five-Year Consolidated Plan. The purpose of the Consolidated Plan is to identify the needs of lower income persons, establish funding priorities and develop a multi-year strategy to address those needs. The Annual Action Plan must be consistent with the Consolidated Plan.

***Local Community Involvement:*** The City will make every effort to involve the community, particularly low to moderate income persons and those living in areas eligible for CDBG funds, during the preparation of the Consolidated Plan. Community involvement will be at the planning and the funding processes and will be within the reasonable limits of staff time and cost considerations. This involvement will include people and groups that participate in the preparation of the Annual Action Plan. In addition to those traditionally included in the preparation of the Annual Action Plan, the City will seek input from other groups that might not be eligible for funding, particularly housing industry representatives, such as lenders and real estate professionals. In that the Consolidated Plan is concerned with identifying Citywide needs and trends, the City will seek information, data and input from these groups to assist the City decision makers in identifying and prioritizing needs and developing strategies in addressing those needs.

The City will use the following procedure in developing the list of agencies and individuals that the City will consult with during the Consolidated Plan preparation process:

- The City will identify all agencies and individuals that have applied for HUD funds from the City since the previous Consolidated Plan was prepared.
- The City will identify and involve nonprofit and governmental agencies that might have useful information about the City's overall housing, community development, health services and economic development needs. This will include agencies that represent persons with special needs.
- The City will request housing industry associations to appoint a person to represent that group in working with the City.
- The City will involve the CDAC and other committees and groups that may be affected by the CDBG and HOME Program.
- The City will retain, on an annual basis, a list of agencies, groups and individuals who have requested information about the programs and have requested to be put on the City's mailing list for input into the Consolidated Plan.
- The City will encourage the Lynchburg Redevelopment and Housing Authority residents and staff to participate in the planning process.
- The City will notify appropriate City of Lynchburg departments that the Grants Administration Division is preparing a description of non-housing community needs. In addition, the City will consult with the Health Department and other relative agencies regarding data on lead based paint hazards and poisonings.
- The City will send a notice to the local newspaper advising the public that the planning process has begun and encouraging participation.

At the beginning of the planning process and after compiling a list of interested participants, the City will invite these agencies and individuals to a City Council public hearing to provide input regarding the Citywide community development and housing needs and the proposed Consolidated Plan goals.

**Thirty-Day (30-day) Review Period:** Upon completion, the City will notify the working session participants that the proposed Consolidated Plan is available for public review for a 30-day period. A public notice in the local newspaper will also notify the public of the 30-day public review period by publishing a short summary of the Consolidated Plan. This summary will briefly describe the contents and purposes of the Plan. The notice will include the locations where copies of the Plan can be reviewed. Copies of the Plan will also be available to the public, upon request, in the Grants Administration Office.

**Community Development Advisory Committee (CDAC) meetings:** At the beginning of the planning process for the Citizen Participation Plan, the citizen involvement process will include outreach to stakeholders to attend a public meeting by the CDAC on the overall needs, priorities, and/or revisions and development of Consolidated Plan goals. The CDAC will review and make recommendations on the final draft of the Consolidated Plan prior to the Plan being presented to the City Council for adoption. The CDAC will consider public comments on the Plan at that meeting. The public meeting may be held toward the end of the required 30-day review period. A notice of the CDAC public meeting will be published in the local newspaper at least 15 days prior to the meeting.

**City Council Hearing:** At the conclusion of the 30-day public review period, the City Council will conduct at least one public hearing on the Consolidated Plan prior to adoption. This hearing may or may not be in conjunction with the hearing on the Annual Action Plan. Interested participants will be notified of the public hearing. This hearing will be advertised in the local newspaper at least 15 days prior to the public hearing. The ultimate responsibility for the Consolidated Plan adoption is with the City Council.

After adoption, the City will attach to the Consolidated Plan a summary of any written or oral comments received during the public review period, including the public hearings. If the City does not incorporate a recommendation from the public, the City will attach reasons why that recommendation was not included when the Consolidated Plan is sent to HUD.

**HUD Review Period:** The City will then send the Consolidated Plan to the U.S. Department of Housing and Urban Development for review and approval. The HUD approval process takes 45 calendar days. If the Plan has included all of the required sections and has gone through the required public comment and review, HUD approval is considered routine. The City may incur costs at the beginning of the first year of the Consolidated Plan which starts on July 1<sup>st</sup>, but may not draw down any funds until HUD has completed its 45 day review period and a grant agreement has been fully executed with HUD.

#### **Anti-Displacement/Relocation Policy**

In developing and implementing the Consolidated Plan, the City of Lynchburg intends to cause no displacement to persons receiving assistance from the CDBG or HOME Program. The City recognizes that while it intends no displacement, situations may arise wherein displacement and/or relocation or temporary relocation is the only viable method for providing assistance. The City will then provide for reasonable benefits to any person involuntarily and permanently displaced as a result of the use of CDBG or HOME funds to acquire or substantially rehabilitate residential and nonresidential property in accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (URA).



## **CONSOLIDATED ANNUAL EVALUATION AND PERFORMANCE REPORT (CAPER)**

On or about September 28<sup>th</sup> of each year, the City is required to submit a performance report to HUD for the previous program year. This report is called the Consolidated Annual Performance and Evaluation Report (CAPER). The CAPER provides a description of the following:

- Resources available to the City;
- Investment of those resources, the geographic distribution and location of investments;
- Number of families and persons assisted (including the racial and ethnic status of persons assisted);
- Actions taken to affirmatively further fair housing;
- Evaluation of other actions and activities, such as infrastructure projects, indicated in the strategic plan of the Consolidated Plan and the Annual Action Plan;
- Evaluation of the jurisdiction's progress in meeting its specific objectives of providing affordable housing, including the number and types of families served; and
- A summary of any written comments or views received from citizens regarding the City-funded programs and performance as well as any oral testimony at public hearings for City-funded programs and performance.

A public notice in the local newspaper will notify the public of the 15-day public review period and City Council public hearing date by publishing a short summary of the CAPER. This summary will briefly describe the contents and purposes of the CAPER. The notice will include the locations where copies of the CAPER can be reviewed. Copies of the CAPER will also be available to the public, upon request, in the Grants Administration Office as well as at the City's web site: [www.lynchburgva.gov/grants](http://www.lynchburgva.gov/grants).

After adoption, the City will attach to the CAPER a summary of any written or oral comments received during the public review period, including the public hearings. If the City does not incorporate a recommendation from the public, the City will attach reasons why that recommendation was not included when the CAPER is sent to HUD. The City will send the CAPER to the U.S. Department of Housing and Urban Development for review and approval.

## **AMENDMENT PROCESS**

During the program year, the City may amend the Consolidated Plan and/or the Annual Action Plan. These amendments may be minor or substantial. HUD requires minor or substantial amendments to the Plan, whenever the City makes one of the following decisions:

1. Changes its CDBG or HOME funding allocation priorities;
2. Changes the City's program and activity funding selection process;
3. Carries out an activity, using funds from any program covered by the Consolidated Plan (including program income), not previously described in the Action Plan; or
4. Changes the purpose, scope, location or beneficiaries of an activity.

Minor amendments for any of these programs do not require public review or any additional action by the City.

Federal regulations require that the Citizen Participation Plan define when an amendment is considered substantial and what the citizen process will be when there is a substantial



amendment. The process for amending either the Consolidated Plan or the Annual Action Plan will differ from program to program based on the definition of substantial change for that particular program, whether it be the CDBG or HOME Program.

In the Consolidated Plan, there are priority goals and each goal has several action items. An amendment will be considered substantial, if the City will add, delete or modify a priority goal category currently in the adopted Plan. The addition, deletion or modification of a specific action item would not be considered a substantial change when the change would not result in an addition or deletion of a priority goal.

In the Consolidated Plan, most activities funded with CDBG and HOME funds have units of measure, such as the number of houses rehabilitated or the linear feet of curb and gutter constructed. These production projections in the Consolidated Plan are considered estimates and changes would not be considered, by themselves, substantial. The addition, deletion or modification of programs described in the Consolidated Plan will not necessarily be considered a substantial change, even if that change were considered substantial for the Annual Action Plan. The reason is that unlike the Annual Action Plan, the Consolidated Plan does not commit to specific programs and funding amounts. Instead the Consolidated Plan focuses on overall City needs and goals.

For the City's CDBG and HOME programs, a change in the Annual Action Plan will be considered substantial whenever costs increase by \$25,000 or 25% of the project's budget, whichever is greater. Costs savings or the deletion of work items to keep a particular project within budget will not constitute a substantial change, if the purpose, scope, location or beneficiaries of the project remain essentially the same. Modifications to program requirements would constitute a substantial amendment if the beneficiaries do not remain the same. Such modification would be reviewed by the Grants Administration staff prior to being presented to the City Council.

Whenever the City proposes a substantial amendment, the Grants Administration staff will review and make a recommendation regarding the proposal. City Council will consider the staff recommendation and take final action regarding the proposed amendment.

The public will also be encouraged to provide input. A legal notice will be placed in the local newspaper advising the public of the proposed amendment 30 days before action by the City Council. The legal notice will include the date the City Council will consider the proposed amendment. City Council approval of the addition, deletion or modification of the project will constitute approval of the substantial amendment.

Amendments to the Citizen Participation Plan will be handled in a similar manner as substantial changes to the Consolidated Plan or Annual Action Plan.

## **ACCESS TO RECORDS**

The City will provide reasonable and timely access to public records related to the Consolidated Plan, Annual Action Plan and the CAPER and the use of funds allocated under the programs covered by the Plans during the proceeding five years. The City may charge a fee to recover the costs of accessing, duplicating, supplying, or searching for the requested records. The City may require an appointment to view records and may require City staff to be present during the inspection of records.

## **TECHNICAL ASSISTANCE**

Upon request, the Grants Administration staff will provide technical assistance, as determined appropriate by City staff, to groups representative of persons of low and moderate income that request such assistance in developing proposals for funding assistance under any of the programs covered by the Consolidated Plan. This technical assistance shall consist of the provision of available and relevant information rather than funds.

## **COMPLAINT PROCESS**

The City, through the Deputy City Manager, or his/her designee, will respond to any written complaint it receives in regard to the CDBG and/or HOME Program. Written complaints may be directed to the following City Office:

**City of Lynchburg  
Grants Administration Office  
900 Church Street  
Lynchburg, Virginia 24504  
(434) 455-3916**

The City will respond, in writing, to concerns and complaints within 15 business days.

## **JURISDICTIONAL RESPONSIBILITY**

In accordance with HUD regulations, the requirements for citizen participation do not restrict the responsibility or authority of the City of Lynchburg for the development and execution of its Consolidated Plan.

In accordance with 24 CR 91.105 (k), the undersigned certifies that the City of Lynchburg, Virginia, shall adhere to the policies and procedures set forth in this Citizen Participation Plan with respect to activities funded under the Community Development Block Grant (CDBG), HOME Investment Partnerships (HOME Program), and other federally-funded programs awarded by the U. S. Department of Housing and Urban Development.

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L. Kimball Payne, III  
City Manager

Date: \_\_\_\_\_

## APPENDIX A

### Definitions

**Annual Action Plan** – The City is required to prepare an Annual Action Plan which describes how it will use CDBG and HOME funds during each new fiscal year to address the needs discussed in the Consolidated Plan. The Annual Action Plan must be consistent with the multi-year Consolidated Plan. The Annual Action Plan must be submitted to HUD 45 days prior to the beginning of the program year. For the City of Lynchburg, this is July 1<sup>st</sup>.

**Community Development Block Grant (CDBG) Program** – See Appendix B for a description of the program.

**Community Housing Development Organizations (CHDO)** – CHDOs are housing nonprofit organizations that meet certain requirements set forth by HUD under the HOME program. The federal government requires the City to set aside 15% of its HOME Program allocation for CHDOs.

**Consolidated Annual Performance and Evaluation Report (CAPER)** – This report describes the accomplishments of the City's CDBG and HOME programs at the end of each fiscal year. The Plan is an assessment of the City's progress in accomplishing the goals of the Annual Action Plan and the Consolidated Plan. There is also a discussion of some of the additional funds that the City has accessed during the year to leverage the HUD funding.

**Consolidated Plan** – The City is required to prepare a five year Consolidated Plan to receive Community Development Block Grant (CDBG) and HOME funds. The Plan includes a description of the housing and community development needs of the City, the City's priorities given the limited financial resources available to the City, and a strategy toward addressing those needs.

**Home Investment Partnerships (HOME) Program** – See Appendix B for a description of the program.

**Low and Moderate Income** – Low and moderate income means family or household annual income less than the Section 8 Low Income Limit, generally 80 percent of the area median income (established by HUD and adjusted for family size).

**Substantial Amendment** – An addition, deletion, or modification of a priority goal category in the Consolidated Plan or Annual Action Plan.

**U.S. Department of Housing and Urban Development (HUD)** – HUD is the federal agency which administers the CDBG and HOME funds. The City must abide by HUD regulations for these programs as a condition for receiving these funds. Some changes in the regulations can be accomplished by HUD, but many of the requirements are part of the legislation passed by Congress and would require action by Congress if the requirements were to be modified or waived.

## APPENDIX B

### DESCRIPTION OF CDBG AND HOME PROGRAM

#### COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG)

The Community Development Block Grant (CDBG) Program is administered by HUD and is authorized under Title 1 of the Housing and Community Development Act of 1974, as amended. The purpose of the CDBG Program is to enhance and maintain viable urban communities through the provision of decent housing, a suitable living environment, and the expansion of economic opportunities, principally for low and moderate income persons.

To be eligible for CDBG funding, a project or activity must qualify by meeting **one** of the following three national objectives.

##### **National Objective No. 1 – Activities Benefiting Lower Income Persons/Households**

The definition of a lower income person or household is one having an income equal to or less than 80% of Lynchburg's median income. A minimum of 70% of the City's total allocation must be used to address the needs of lower income persons. Projects must be either a direct benefit activity or an area benefit activity.

Direct Benefit Activities – To qualify as a direct benefit activity, there must be documentation that the public service program is benefiting lower income residents. At least 51% of the recipients of public service programs must have incomes equal to or below 80% of the median income. Certain other activities, such as housing rehabilitation, require all program participants to be lower income households.

HUD presumes certain groups meet the lower income criteria. Therefore, a record of the beneficiaries would not be required. HUD has defined these groups as abused children, battered spouses, elderly persons, adults with severe disabilities, homeless persons, illiterate adults, persons living with AIDS, and migrant workers.

Area Benefit Activities – These are activities that serve geographic areas in which at least 51% of the households are lower income, based on census date. To meet these criteria, 51% of household incomes must be equal to or less than 80% of the median income of the project's service area. See Appendix D for a map of the eligible areas in the City.

Examples of Area Benefit Activities include public improvements, i.e., street, sidewalk, curb, and gutter improvements including related design and engineering work), park improvements, community centers, and public facilities.

Public Services – A maximum of 15% of the City's total annual CDBG allocation may be used for public service activities.

The Agency must be able to document that at least 51% of a public service activity's clientele are lower income residents. Public service projects must be a new service or an increase in the existing level of service. Examples of public services include crime prevention, child care, and drug-abuse related services.



Housing Activities – Housing activities include acquisition or rehabilitation of properties. CDBG funds may not be used for new housing construction, but may be used for property acquisition and construction of off-site improvements in conjunction with new construction.

The City currently has a housing rehabilitation program for lower income owner- and renter-occupied units.

### **National Objective No. 2 – Activities That Aid in the Prevention or Elimination of Slum/Blight**

If a project cannot meet the low income objective, a project may qualify if it benefits a slum or blighted area. State or local laws define slum and blighted areas as those that contain a high number of deteriorating or dilapidated buildings or infrastructures within the area.

Redevelopment project areas generally qualify under this category. **Note:** Most blighted areas also qualify under national objective No. 1 (Activities Benefiting Lower Income Persons/Households). It is **not** necessary to meet the special requirements for slums and blight if the project already addresses the needs of low income persons.

To meet this Objective, the activity must be located in a City redevelopment area and in an area where there is a substantial number of deteriorated buildings, and designed to address one or more of the conditions that qualified the area as “slum/blighted.”

Projects may qualify outside a slum or blighted area on a spot blight basis. Activities include acquisition, demolition, rehabilitation, relocation, and historic preservation. Under this standard, rehabilitation of a building or a house is limited to the extent necessary to eliminate substandard conditions detrimental to public health and safety.

### **National Objective No. 3 – Activities Designated to Meet Needs Having a Particular Urgency**

Activities must be designed to alleviate existing conditions that pose a serious and immediate threat to the health or welfare of the community that became urgent within the past 18 months. No other funding sources are available to address the problem. Again, projects that meet either National Objective No. 1 or 2 do not need to meet this objective. **Note:** This objective is difficult to achieve because the City must demonstrate that it has used all of its available resources prior to qualifying. This occurs only in a major disaster.

### **ELIGIBLE CDBG ACTIVITIES**

In addition to meeting one of the above national objectives, the activity must also be eligible, according to HUD-approved criteria. Eligible activities include the following:

Acquisition, design, construction, rehabilitation, or installation of certain publicly-owned facilities such as:

- Parks, playgrounds and recreational facilities
- Senior centers, except 24-hour care facilities
- Centers for the handicapped, except 24-hour care facilities
- Neighborhood facilities
- Parking facilities
- Street improvements including curbs, gutters, sidewalks, lights and street pavement
- Water system improvements including fire hydrants
- Flood, drainage, or sewer facilities

Expansion and improvement in the quantity and quality of public services, principally for lower income persons (15% limitation).

Acquisition of property that is of historic value; appropriate for beautification or conservation of open spaces; or appropriate for low- or moderate-income housing.

- Demolition of buildings and clearance of land that may be a health hazard to the community
- Interim assistance or temporary help to alleviate harmful or dangerous conditions
- Removal of architectural barriers that restrict mobility of persons with disabilities
- Code enforcement in designated targeted areas

Historic preservation activities such as restoring and preserving properties formally designated as historic structures.

Conservation and improvement of the housing stock through rehabilitation of homes belonging to lower income persons.

Assistance to lower income first-time home buyers.

Rehabilitation and preservation of buildings and improvements, both publicly and privately owned.

Eligible planning and environmental design cost.

Eligible economic development activities such as creation of jobs for persons of low- and moderate-income through the expansion of business opportunities by providing financial incentives to small businesses. Note: there are additional federal requirements for qualifying projects under this provision. Interested persons should discuss their proposal with City staff prior to submitting an application.

#### **INELIGIBLE CDBG ACTIVITIES**

- Buildings for the general conduct of government such as city halls, courthouses, and police stations (Note: Police substations may be built in CDBG-eligible areas);
- Stadiums, sports arenas, auditoriums, museums, and central libraries (Note: Branch libraries and community centers may be built in CDBG-eligible areas);
- Airports, subways, bus or other stations;
- Expenses of general government for operation and maintenance of public facilities;
- Political activities;
- Direct income payments to residents;
- New housing construction (except when done by a community-based development organization recognized by HUD).

## **HOME PROGRAM**

HUD also administers the Home Investment Partnerships (HOME) Program as authorized by the 1990 National Affordable Housing Act, as amended by the Housing and Community Development Act of 1992. The intent of the HOME Program is to expand the supply of decent, safe, sanitary and affordable housing. This is done through the following:

- Community Housing Development Organizations (CHDO). HUD requires that 15% of the City's HOME funds be set aside for CHDO activities. Funds are restricted to qualified nonprofit organizations with 501(c)(3) tax status and other special requirements;
- Home ownership assistance;
- Rehabilitation;
- New Construction of affordable housing;
- Tenant-based rental assistance;
- Acquisition of property for affordable housing.

### **HOME PROGRAM ELIGIBILITY**

In order for an activity or program to be eligible for HOME funding, it must qualify by meeting the following guidelines:

- 100% of all funding must be used to benefit households or persons with incomes less than 80% of Lynchburg's median income.
- All HOME-funded projects must have 25% non-federal matching funds.
- The HOME program has strict long-term affordability requirements which differ based on the type of project and the amount of funding requested per unit.
- Prevailing wage requirements are different from the CDBG program. Federal prevailing wages (Davis-Bacon) are triggered when there are 8 or more units assisted with CDBG funds. For the HOME program, it is 12 or more units.

### **INELIGIBLE HOME ACTIVITIES**

- Emergency repair programs;
- Project reserve accounts;
- Public housing projects;
- Properties receiving Rental Rehabilitation Program funds;
- Commercial properties;
- Homeless shelters;
- Project-based rental assistance or substitution of Section 8 assistance for troubled HUD-insured projects;
- Preservation of affordable housing projects;
- Matching funds as the non-federal match for other programs except to match McKinney Act funds;
- During the period of affordability, properties previously assisted with HOME funds;
- Temporary shelters;
- Other properties that do not constitute permanent housing such as residential health care facilities and publicly run residential ; or
- Acquisition of City or agency-owned properties.

APPENDIX C  
TARGETED CENSUS TRACTS

